

PTO/SB/21 (02-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | |
|------------------------|--------------------------|
| Application Number | 09/580,156 |
| Filing Date | 05/30/2000 |
| First Named Inventor | SANDBERG, L. et al. |
| Art Unit | 1631 |
| Examiner Name | BORIN |
| Attorney Docket Number | 25812-5CIP (97-489-US-P) |

Total Number of Pages in This Submission

23

TECH CENTER 1600/2900

ENCLOSURES (Check all that apply)

| | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Copies of Relevant Documents |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | Return Receipt Postcard |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | Remarks | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Copies of the following documents enclosed: Return Receipt Postcard Stamped Received by USPTO on 08/18/2003 Certificate of Mailing Dated 08/14/2003 Request for Continued Examination Dated 08/14/2003 Submission Under 37 CFR 1.114 Response to Advisory Action 08/14/03 Terminal Disclaimer Dated 08/14/2003 Information Disclosure Statement Dated 08/14/2003 Petition for 1-Month Extension of Time | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | W. Scott Harders, Reg. No. 42,629 Benesch, Friedlander, Coplan & Aronoff LLP |
| Signature | |
| Date | 07/01/04 |

CERTIFICATE OF TRANSMISSION/MAILING

| | | | |
|---|----------------------|------|----------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Christina R. Correll | | |
| Signature | | Date | 07/01/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



JUL 12 2004

TECH CENTER 1600/2800

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sandberg

Examiner: Borin

Serial No.: 09/580,156

Art Unit: 1631

Filing Date: May 30, 2000

Docket No: 25812-5CIP

Confirmation No.: 1346

Title: ELASTIN PEPTIDE ANALOGS AND USES THEREOF

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a)

Dear Sir:

Applicant has learned of the abandonment of the above-identified case on the basis of the Notice of Abandonment dated May 4, 2004 (copy is enclosed herewith). Pursuant to 37 C.F.R. 1.181(f), this petition is being submitted within two months from the date of the Notice of Abandonment and is considered timely filed.

REMARKS

Pursuant to 37 C.F.R. 1.181(a), Applicant respectfully requests that the abandonment in the above-identified case be withdrawn due to the following:

A Final Office Action in the captioned matter was mailed on April 14, 2003. Applicant filed an Amendment and Response on June 13, 2003. The Office issued an Advisory Action refusing to enter the amendments on July 8, 2004. On August 14, 2003, Applicant properly filed an RCE with a submission in the form of an Amendment and a One-Month Extension of Time in addition to all necessary fees.

As evidence of Applicant's proper response, we enclose herewith are copies of the following:

1. Copy of the Certificate of Mailing dated August 14, 2003 that indicates the items enclosed as part of the submission.
2. Copies of the submission as filed are also enclosed herewith. A copy of the return receipt postcard is also attached.

Because of the foregoing, Applicant believes that the Notice of Abandonment should be withdrawn. Although it is believed that this Petition does not require a fee, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 02-2051.

In view of the papers submitted herewith and the remarks present above, Applicant respectfully requests that the Office withdraw the Notice of Abandonment in the above-identified application.

Respectfully submitted,

Dated: July 1, 2004

By:



W. Scott Harders
Reg. No. 42,629

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/580,156 | 05/30/2000 | Lawrence B. Sandberg | 97-489-US-P | 1346 |

7590 05/04/2004

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EXAMINER

BORIN, MICHAEL L

ART UNIT

1631

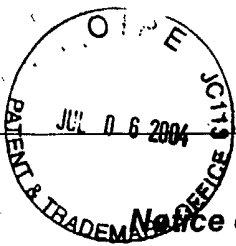
PAPER NUMBER

16

DATE MAILED: 05/04/2004

JUL 12 2004

Please find below and/or attached an Office communication concerning this application or proceeding 1600/2900



Notice of Abandonment

Application No.

09/580,156

Examiner

Michael Borin

Applicant(s)

SANDBERG ET AL.

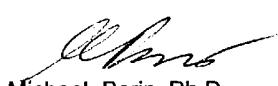
Art Unit

1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 July 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:


Michael Borin, Ph.D.
Primary Examiner
Art Unit: 1631

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.